

REMARKS

Applicant's remarks are preceded by related comments from the Examiner (shown in small bold-faced type).

3. Claims 12-21 rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al., US 5,839,104. Miller discloses a terminal, e.g. 14, including a processor, e.g. 26, an LCD, e.g. 18, an application program 28, a decision support system 40 and list section, e.g. 76, 78. See, Figs 1, 4, 6A, 6B.

The Examiner's rejection is respectfully traversed. It is well established that, in order to support a claim rejection under § 102(b), the cited art must disclose each element of the claim. The cited reference, Miller, simply does not do so.

Claim 12 recites an apparatus for self-checkout of non-bar coded items in which the apparatus comprises "a processing unit, wherein the processing unit maintains a list of most frequently sold items, said list being a subset of a list of all items available for sale." Although the Examiner suggests that Miller shows lists of items, it appears that the lists cited by the Examiner are lists of items that the customer has already purchased (see, e.g., 76, 78 of Fig. 5). Claim 12 makes clear that the recited list is a list used to select icons for display to a user and for selection by the user in order to purchase an indicated product; in contrast, the Examiner has cited to lists 76, 78 of Fig. 5 that cannot be used to select the icons that are displayed to the user for product selection as the cited lists 76, 78 appear to be lists of goods that have already been purchased and, accordingly, such lists 76, 78 are generated after item selection by the user. Thus, the lists 76, 78 cited by the Examiner are simply not the same as what is recited by the claim.

The Examiner also cites to Figs. 1, 4, 6A, and 6B as disclosing lists. However, the Examiner has not explained how these figures disclose a list of most frequently sold items that is used to select images for display on the GUI based PLU based on the selected image's corresponding non-bar coded item being a member of the list of most frequently sold items. The undersigned has not identified such disclosure in the cited figures and it is believed that the figures do not contain such a disclosure. If the Examiner maintains a contrary position, it is respectfully requested that the Examiner fully explain how the cited figures support the Examiner's position. A more complete response is required to enable the undersigned to fully respond to any continuing rejection by the Examiner.

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Claim 12 further requires that the system include "a Product Look Up (PLU) entry device having a Graphic User Interface (GUI), wherein the GUI provides display of a plurality of images corresponding to non-bar coded items and where at least one of the plurality of images is selected for display on the GUI based on the selected image's corresponding non-bar coded item being a member of the list of most frequently sold items, and wherein the entry device provides a user with means for selecting ones of the predetermined images of the non-bar coded items." It is respectfully submitted that Miller does not disclose what is recited by this claim element, and the Examiner has offered no explanation to the contrary. For example, contrary to the examination requirements of the MPEP and of § 102, the Examiner has not shown how Miller discloses selecting images for display on a PLU device based on the inclusion of sold items in a list of most frequently sold items such that the displayed images may then be selected via a data entry device to purchase said items. It is respectfully submitted that Miller does not disclose or suggest such a use of a frequently sold items list.

For at least the reason that Millder fails to disclose or suggest all elements of claim 12, the Examiner's rejection of claim 12 under § 102 in light of Miller is improper and should be withdrawn. Accordingly, it is respectfully requested that the Examiner withdraw his rejection and allow the claim.

Claims 13-21 depend from claim 12 and are patentable for at least the same reasons stated with respect to claim 12.

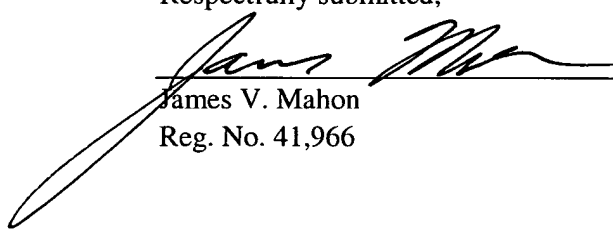
CONCLUSION

Claims 12-21 are now pending and believed to be in proper form for allowance.

Please apply any credits or excess charges to our deposit account number 50-0521.

Respectfully submitted,

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